

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-12 are presently active. Claims 1-5 have been presently amended. Claims 9-12 have been added. Support for new Claims 9-12 is self-evident from the original claims. Support for the amendments to Claims 1 and 3 is found in the specification on pages 7-10. No new matter was added.

In the Office Action, the drawings were objected to. Claims 1, 2, 3, and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa (U.S. Patent No. 4,896,049) in view of Hara et al (U.S. Patent No. 5,581,094) and Kalkhoran et al (U.S. Patent No. 5,726,440), Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa as modified by Hara et al and Kalkhoran et al and further in view of Ogawa et al (U.S. Patent No. 4,345,021). Claims 6-8 were objected to as being dependent upon a rejected base claims, but would allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter, but believe that the present claims as amended also define allowable subject matter.

Regarding the drawing objections, the amendments to the specification address part of the drawing objections. Further, Applicants submit that the replacement page submitted during the international stage on September 15, 2005 (and thereby a part the U.S. application) show a description of measuring device 9. Thus, the objections to the drawings have been addressed by Applicants.

Regarding the art rejection, the present amendments clarify that the method of Claim 1 utilizes variations in the gate voltage and a depth for capturing electrons and subsequent calculations thereof. These features are not believed to be in the applied art.

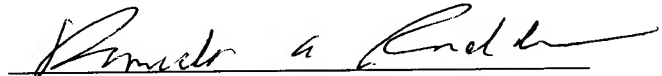
M.P.E.P. § 2143.03 requires that all words in a claim must be considered in judging the patentability of the claim against the prior art.

Therefore, with these features missing from the art and when viewed as a whole, independent Claims 1 and 3 (and the claims dependent therefrom) are believed to patentably define over the art of record.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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